

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSELL H. DAWSON, et al

Plaintiffs,

vs.

SOUTH CORRECTIONAL ENTITY  
("SCORE"), et al;

Defendants.

NO. 2:19-cv-01987-RSM

ORDER GRANTING PLAINTIFFS'  
PETITION TO APPROVE PARTIAL  
COMPROMISE OF CLAIMS AGAINST  
SCORE

NOTE ON MOTION CALENDAR:  
SEPTEMBER 17, 2021

The parties agreed in principle to a partial compromise of claims whereby:

1. Plaintiffs' 42 USC §1983, Americans With Disabilities Act, and Public Records Act claims against SCORE and all claims against the individual SCORE Employee Defendants<sup>1</sup> would be dismissed; and
2. The state law tort claims against SCORE would be partially compromised by way of a covenant not to execute any verdict/judgment above \$2,100,000 in exchange for a nonrefundable advance payment of \$2,000,000 against any future settlement or verdict against SCORE.

<sup>1</sup> The remaining SCORE employee defendants that are included in this order are Penny Bartley, Jim Kelly, Todd Barker, Brittney Palmore, Mandi Jaramillo, William Woo, Benda Scott a/k/a Brenda Scott, Christopher Foy, Jane Dore, Aaron Seipp, and SCORE John Does 1-10. Claims against SCORE Employees Brandon Heath, Pedro Santos, Ethan Glover, and Colminton Allen were previously dismissed by stipulation. Dkt., 157.

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1 The claims to be dismissed include the Third, Fourth, Seventh, Eighth, Ninth, Tenth,  
 2 Eleventh, Twelfth, Thirteenth, and Fourteenth claims in Plaintiffs' First Amended Complaint,  
 3 Dkt. 49, to the extent they relate to SCORE and the individually named SCORE Employee  
 4 Defendants. The Seventh Claim for relief is pled against all entity and individual defendants and  
 5 the Tenth Claim for Relief is pled against SCORE and NaphCare, but this order does not affect  
 6 those Claims for Relief against NaphCare or NaphCare Employee Defendants because they are  
 7 not a party to this partial compromise of claims. The proposed agreement explicitly states that it  
 8 is not intended to be a release or full settlement of state law tort claims and it does not extinguish  
 9 any contribution claims that other entities may have against SCORE.

10 Attorney Jennifer L. White was appointed as settlement guardian ad litem for minor  
 11 plaintiffs A.G., I.G., S.G., and D.G. Dkt. 167. Ms. White's report is filed under seal at Dkt. 195.  
 12 Ms. White's report approves of the proposed partial compromise agreement, approves of the  
 13 allocation of the initial \$2,000,000 advance payment between the decedents' first tier  
 14 beneficiaries (Reynaldo Gil, Jose Marte, A.G., I.G., S.G., and D.G.) in equal shares, and  
 15 proposed the details for the formation of professionally managed trusts for each minor  
 16 beneficiary. Ms. White's report also considers and approves Plaintiffs' counsel's attorneys' fees  
 17 and requests for reimbursement of advanced costs. Plaintiffs' counsel are not requesting that any  
 18 proceeds from the initial \$2,000,000 payment be set aside to finance future litigation expenses.

19 The Court hereby ORDERS:

- 20 1. Plaintiffs' unopposed Petition to Approve Partial Compromise of Claims Against  
 21 SCORE, Dkt. #196, is GRANTED.
- 22 1. Pursuant to LCR 17 and SPR 98.16W, the proposed agreement for a partial  
 23 compromise of Plaintiffs' claims against SCORE ("the Agreement") is approved.
- 24 2. Russell Dawson, the personal representative of the estate, is authorized to execute  
 25 the Agreement and as set forth in the Petition.

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3. The Court approves the allocation of a 1/6<sup>th</sup> share of the net recovery to each minor beneficiary, to wit A.G., I.G. S.G. and D.G., of the SCORE defendants' payment set forth in the Agreement.

4. The Court orders that the minors' allocated shares be held in court supervised trusts pursuant to SPR 98.16W.

5. The Court orders that the current SGAL, Ms. White, remain appointed in this matter and shall facilitate the establishment of trusts for each minor by:

☒ Submitting to this Court for approval, trusts in the form proposed in the SGAL report, to be overseen by this Court.

☐ Submitting to King County Superior Court for approval, trusts in the form proposed in the SGAL report, to be overseen by the King County Superior Court.

6. Ongoing annual trust accountings shall be submitted to:

☒ This Court.

☐ King County Superior Court.

7. Plaintiffs' counsel's attorneys' fees and costs as set forth in Ms. White's report are reasonable and approved. Plaintiff's counsel is authorized to receive said approved fees and costs upon receipt of the payment from the SCORE defendants, which gross payment shall be placed into the Krutch Lindell Bingham Jones, P.S. IOLTA.

8. Plaintiffs' counsel shall maintain the portion of the Agreement payment allocated to the minors in the Krutch Lindell Bingham Jones, P.S. IOLTA. Plaintiffs' counsel is authorized and directed to disburse the minors' funds directly into their respective court approved trusts. In the event that the trust set up process is not accomplished within sixty (60) days from the receipt of the Agreement payment, Plaintiffs' counsel is authorized and directed to disburse the minors' funds to the

Estate Personal Representative in the name of the Estate to be held in blocked accounts until the trusts can be established by the Court.

9. In the event the Estate Personal Representative is distributed the minors' funds as specified above, he shall immediately establish four separate bank accounts in the name of the Estate, maintaining FDIC insurance coverage at all times. The Court orders that the Estate is merely a fiduciary place holder of said minors' funds and that they are not assets of the Estate. The Estate Personal Representative shall deposit the minors' funds in financial institution(s) that will block the accounts preventing withdrawals without further court order. He shall obtain and file the blocking Receipts with this Court within 5 days of deposit of the funds into said accounts. Once the minors' trusts are court approved, he shall then obtain a court order authorizing the unblocking of the accounts and disbursement of the funds directly into the minors' respective trusts.

10. Ms. White's fees to date of \$6,180.00 are approved. Any additional fees incurred in this matter will be advanced by Plaintiffs' counsel as a cost and be subject to Court Approval before any disbursements from future settlements or awards are made.

11. The parties shall file a stipulation dismissing the non-tort claims addressed in the agreement.

12. This order does not extinguish any contribution claims that other parties may make against SCORE.

13. This order does not affect any claims against NaphCare or the NaphCare Employee Defendants.

1 DATED this 20<sup>th</sup> day of September, 2021.

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5 RICARDO S. MARTINEZ  
6 CHIEF UNITED STATES DISTRICT JUDGE  
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11 Presented by:

12  
13 KRUTCH LINDELL BINGHAM JONES, P.S.

14 By: /s/ J. Nathan Bingham, WSBA #46325  
15 J. Nathan Bingham, WSBA #46325  
16 3316 Fuhrman Ave E, Suite 250  
17 Seattle, Washington 98102  
18 Telephone: (206) 682-1505  
19 Facsimile: (206) 467-1823  
20 Email: jnb@krutchlindell.com  
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KRUTCH LINDELL BINGHAM JONES, P.S.  
3316 Fuhrman Ave E  
Suite 250  
Seattle, Washington 98102  
TEL. 206.682.1505 • FAX 206.467.1823